Hepting et al v. AT&T Corp. et al Doc. 52

PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON #76342
DAVID L. ANDERSON #149604
PATRICK S. THOMPSON #160804
JACOB R. SORENSEN #209134
BRIAN J. WONG #226940
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200
Email: bruce.ericson@pillsburylaw.com

SIDLEY AUSTIN LLP
DAVID W. CARPENTER (pro hac vice application pending)
BRADFORD A. BERENSON (pro hac vice application pending)
DAVID L. LAWSON (pro hac vice application pending)
EDWARD R. MCNICHOLAS (pro hac vice application pending)
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736-8010
Facsimile: (202) 736-8711

Attorneys for Defendants
AT&T CORP. and AT&T INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, vs. AT&T CORP., AT&T INC. and DOES 1-20, inclusive, Defendants.	No. C-06-0672-VRW **DECLARATION OF BRUCE A. ERICSON IN SUPPORT OF SEALING DOCUMENTS [DKT. 30-32]** **[Civ. L.R. 7-11, 79-5]** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker Filed concurrently: 1. Memo of Points and Authorities 2. Proposed Order

Dockets.Justia.com

I, **BRUCE A. ERICSON**, declare as follows:

1. I am an attorney licensed to practice law in the State of California and admitted to practice before this Court, and am a partner of the law firm of Pillsbury Winthrop Shaw Pittman LLP, counsel for defendant **AT&T CORP.** ("AT&T") and also for specially appearing defendant **AT&T INC.** (AT&T and AT&T Inc. are collectively referred to as the "defendants"). Except for those matters stated on information and belief, which I believe to be true, I have personal knowledge of the facts stated herein and, if called as a witness, I could and would competently testify thereto.

2. On April 5, 2006, plaintiffs served defendants with copies of the following documents, which they also lodged with the Court under seal, pursuant to Civil Local Rule 79-5(d):

(a) Plaintiffs' Amended Notice of Motion and Motion for Preliminary Injunction; Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction ("Preliminary Injunction Memorandum") (*see* Dkt. 30);

(b) Declaration of Mark Klein in Support of Plaintiffs' Motion for Preliminary Injunction (with exhibits) ("Confidential Klein Declaration") (*see* Dkt. 31); and

(c) Declaration of J. Scott Marcus in Support of Plaintiffs' Motion for Preliminary Injunction (with exhibits) ("Confidential Marcus Declaration") (*see* Dkt. 32).

I will refer to these collectively as the "Lodged Documents."

3. I am informed and believe that the three exhibits attached as Exhibits A, B and C to the Confidential Klein Declaration constitute confidential, proprietary, trade secret information owned by AT&T. I will refer to these three exhibits as the "Confidential Documents." The remainder of the Lodged Documents are derived from and entirely dependent upon the Confidential Documents.

4. As discussed more fully in the Declaration of James W. Russell in Support of Motion of Defendant AT&T Corp. to Compel Return of Confidential Documents, filed under seal on April 10, 2006 (*see* Dkt. 40) and incorporated herein by reference ("Confidential Russell Declaration"), the Lodged Documents contain detailed non-public information about critical communications infrastructure operated by AT&T.

5. As discussed more fully in the Confidential Russell Declaration, AT&T considers the information in the Confidential Documents highly confidential and proprietary, and such information has value generally unknown to the public or AT&T's competitors.

6. As discussed more fully in the Confidential Russell Declaration, AT&T is careful to preserve the confidentiality of information contained in the Lodged Documents, and public disclosure of the information contained therein could endanger AT&T's ability to provide services and carry out its business activities. Exposure to the threats that would arise from disclosure of the Lodged Documents would harm AT&T and its customers.

7. The Lodged Documents describe the contents of the Confidential Documents in great detail. Putting them into the public record of this Court would injure AT&T in the same way as making the Confidential Documents themselves public.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 12th day of April, 2006, at San Francisco, California.

/s/ Bruce A. Ericson
Bruce A. Ericson